20 Am. Jur. 2d Courts § 22

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Courts
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V. Court Records

§ 22. Generally

Topic Summary | Correlation Table | References

West's Key Number Digest

West's Key Number Digest, Courts 110 to 115, 117

A.L.R. Library

What constitutes a public record or document within statute making falsification, forgery, mutilation, removal, or other misuse thereof an offense, 75 A.L.R.4th 1067

Courts of record can speak only by or through their records,[1] and what does not so appear does not exist in law.[2] The court record is the permanent account of that court's proceedings in particular cases, as well as the court's opinion or decision.[3] It is a written memorial of all the acts and proceedings in an action or suit in a court of record and terminates when the judgment is rendered in the cause.[4] Court records import absolute verity.[5]

Trial court judges have extremely broad discretionary and supervisory powers with regard to the records in their courts.[6] The authority the judiciary has to control its own records, however, does not give the judiciary inherent authority to reach into the executive branch to control what the executive branch does with records held in that branch, even when those records were created in the judiciary.[7]

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Footnotes

1 Coleman v. Meritt, 324 S.W.3d 456 (Mo. Ct. App. S.D. 2010); In re T.B., 177 N.C. App. 790, 629 S.E.2d 895 (2006); State ex rel. Thornhill Group, Inc. v. King, 233 W. Va. 564, 759 S.E.2d 795 (2014).

2 State ex rel. Thornhill Group, Inc. v. King, 233 W. Va. 564, 759 S.E.2d 795 (2014).

3 U.S. v. Taylor, 147 U.S. 695, 13 S. Ct. 479, 37 L. Ed. 335 (1893); C. v. C., 320 A.2d 717, 84 A.L.R.3d 581 (Del. 1974).

4 Spangler v. Spangler, 831 S.W.2d 256 (Mo. Ct. App. W.D. 1992).

5 Bishop State Community College v. Williams, 4 So. 3d 1152, 243 Ed. Law Rep. 980 (Ala. Civ. App. 2008); Coleman v. Meritt, 324 S.W.3d 456 (Mo. Ct. App. S.D. 2010).

6 Sharpton v. Hall, 296 Ga. App. 251, 674 S.E.2d 105 (2009).

7 State v. M.D.T., 831 N.W.2d 276 (Minn. 2013).

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